IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8354 of 2005

Between:

Sri Mohd.Akbar Ali, s/o Munawar Ali,
r/o 23-96/1, Ashok Nagar, R.C.Puram, Hyderabad.

..... PETITIONER

AND

1 The Director of Mines and Geology, 8th Floor,

BRKR Building, Tank Bund Road, Hyderabad.
2 The Deputy Director of Mines and Geology, Nizamabad.
3 The Asst.Director of Mines and Geology, Medak.
4 The Revenue Divisional Officer, Sanga Reddy.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or writ one in the nature of writ of certiorari quash the proceedings of the 2nd respondent in Show Cause Notice No.167/QL/04, dt.29-03-2005 as arbitrary, illegal, unjust, unconstitutional, contrary to principles of natural justice and the A.P. Minor Mineral Concession Rules, 1966 to call for the records and set aside the same.

Counsel for the Petitioner: SMT.N.SHOBA

Counsel for the Respondent Nos.1 to 3: GP FOR INDUSTRIES & COMMERCE

Counsel for the Respondent No.4: GOVERNMENT PLEADER FOR REVENUE

This Court at the stage of admission made the following :

ORDER:

This writ petition is filed aggrieved by the orders passed by the second respondent in the show cause notice No.167/QL/04, dated 29.03.2005.

The contention of the petitioner is that though the impugned notice was termed as show cause notice, as a matter of fact, it is a final order directing the petitioner to pay an amount of Rs.53,255/- towards seniorage fee along with penalty of Rs.2,66,275/- within 15 days from the date of the show cause notice and submit the compliance.

The learned counsel for the petitioner contends that such an order, determining the liability of the petitioner, ought not to have been passed without prior notice to the petitoner.

However, the learned Government Pleader appearing for the respondents 1 to 3 states that the impugned proceedings is nothing but a show cause notice, and if an appropriate explanation is submitted by the petitioner, the same will be considered by the second respondent.

In the circumstances, without expressing any opinion on merits, the writ petition is disposed of granting liberty to the petitioner to submit an explanation to the said show cause notice within a period of two weeks from the date of receipt of a copy of this order, in which event, the second respondent shall consider the same and pass appropriate orders in accordance with law. Till such time, no coercive steps shall be taken against the petitioner for recovery of the amount in question. No order as to costs.

G.ROHINI, J

15.04.2005

DR

To

1 The Director of Mines and Geology, 8th Floor,

BRKR Building, Tank Bund Road, Hyderabad.
2 The Deputy Director of Mines and Geology, Nizamabad.
3 The Assistant .Director of Mines and Geology, Medak.
4 The Revenue Divisional Officer, Sanga Reddy.

5 2 CCs to Government Pleader for Industries and Commerce,

High Court Buildings, Hyderabad. (OUT)

7 2 CCs to Government Pleader for Revenue,

High Court Buildings, Hyderabad. (OUT)

8 2 CD copies